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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshiharu Ohta

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30593 7590 08/10/2009
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EXAMINER

ABU ALI, SHUANGYI

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

08/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Status of Claims

Claims 1-12 remain for examination.

Claim Rejections - 35 USC § 103

The rejection of claims 1-2, 4-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP2003-268354, as generally set forth in the previous office action mailed 01/30/2009 stands.

The rejection of claims 3, 6, 8-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP2003-268354, further in view of U. S. Patent No. 7,211,122 to Iwasa , as generally set forth in the previous office action mailed 01/30/2009 stands.

The text of those sections of title 35 US Code not included in this action can be found in the prior Office Action.

Response to Arguments

Applicant's arguments filed 04/30/2009 have been fully considered but they are not persuasive. The rejection of claims 1-12 under 35 U.S.C. 102(a) as being anticipated by WO/2004/072203 is withdrawn, since the applicant filed the translation of the Foreign priority Document.

Regarding to the rejection of claims 1-12 under JP2003-268354

The applicant argues that the JP2003-268354 is not a proper art since the Examiner only using the abstract without a translation. The Examiner respectfully submits that the Examiner enclosed the translation of JP2003-268354 with the previous office action, which includes the abstract, detailed description, claims and the drawings. Furthermore, the applicant fail to provide any factual evidence to show why the fumed silica dispersion mad by a substantial similar process would not has the similar increased rate as applicant set forth in the instant application.

Since the rejection based on JP2003-268354 is valid, the rejection based on combined teaching of JP2003-268354 and U. S. Patent No. 7,211,122 to Iwasa stands.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1793

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHUANGYI ABU ALI whose telephone number is (571)272-6453. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A. LORENZO/
Supervisory Patent Examiner, Art Unit 1793

/Shuangyi Abu-Ali/
Examiner, Art Unit 1793